



Office of the  
State Superintendent of Education

# **Special Education Monitoring & Compliance Manual (IDEA Part B)**

Hosanna Mahaley  
*State Superintendent of Education*

Amy Maisterra  
*Interim Assistant Superintendent of  
Special Education*

Melanie Byrd Chisholm  
*Director, Special Education Quality Assurance & Monitoring*

**Revised: September 2011**

## OSSE Special Education Monitoring & Compliance Manual

### Table of Contents

1. Introduction.....	3
2. State Education Agency Authority.....	5
3. State Performance Plan/Annual Performance Report.....	6
4. Determinations.....	8
5. OSEP Corrective Action Plan (CAP).....	9
6. Correction of Noncompliance.....	10
 7. Monitoring Process Overview.....	 11
Monitoring Areas.....	14
On-site Compliance Monitoring.....	16
On-site Focused Monitoring.....	22
CAP Activities.....	26
Additional Findings of Noncompliance.....	27
 8. Appendices .....	 28
Determinations Information & Frequently Asked Questions.....	A
OSSE FFY 2011 IDEA Part B Grant Award Special Conditions.....	B
OSEP Memo 09-02.....	C
Nonpublic Monitoring Supplement.....	D
Compliance Monitoring Tool.....	E
Monitoring Agendas.....	F
Classroom Observation Tool.....	G
Placement Unit Monitoring Tool.....	H

## 1. INTRODUCTION

The District of Columbia Office of the State Superintendent of Education (OSSE), Division of Special Education, Division of Quality Assurance and Monitoring, is pleased to provide this guidance and information regarding its Individuals with Disabilities Education Act (IDEA) Part B State Monitoring and Compliance System in this and a subsequent series of materials for local education agencies (LEAs).

As the state education agency (SEA) for the District of Columbia, OSSE's role is to set high expectations, provide resources and support, and exercise accountability to ensure that all residents receive an excellent education. OSSE's Vision for District of Columbia children with disabilities is that they become successful adults, prepared for further education, successfully obtaining and maintaining employment, living independently, and engaged in their community, and that during their years in secondary education, they will be educated in classrooms with their non-disabled peers and participate fully in school life.

OSSE's vision aligns with federal requirements pertaining to SEA monitoring responsibilities. The IDEA Part B regulations at 34 CFR §300.600 require that the SEA monitor the implementation of IDEA Part B, make annual determinations about the performance of each LEA, enforce compliance with IDEA Part B, and report annually on the performance of the SEA and each LEA. The primary focus of the SEA's monitoring activities must be on improving educational results and functional outcomes for all children with disabilities and ensuring that LEAs meet the program requirements of IDEA Part B. **In exercising its monitoring responsibilities, the SEA must ensure that when it identifies noncompliance with the requirements of IDEA Part B by LEAs, the noncompliance is corrected as soon as possible, and in no case later than one year after the SEA's identification of the noncompliance.**

The goal of OSSE's Monitoring and Compliance System is to ensure that LEAs are meeting the requirements of both federal and local regulations. In alignment with federal regulations and OSSE's Vision, OSSE's monitoring approach is outcome oriented. To achieve desired performance results, it is critical that OSSE works collaboratively with LEAs and engages in shared accountability practices that will maximize success for all students with disabilities. Monitoring activities that will enable OSSE to facilitate this collaborative approach to improved performance include: database reviews, on-site compliance monitoring, record reviews, dispute resolution activities, LEA self-assessments, Phase I and Phase II grant applications, and audit findings reviews.

Another key feature of OSSE's Monitoring and Compliance System is the direct linkage between monitoring activities and technical assistance. The Division of Special Education's Training and Technical Assistance Unit (T&TA) works directly with the Quality Assurance and Monitoring Unit to identify specific compliance areas that warrant general and targeted technical assistance. OSSE offers a multitude of training opportunities for LEAs to increase their knowledge of, and compliance with, IDEA Part B requirements and to discover methods to improve outcomes for students with disabilities. For more information on OSSE's T&TA, please contact [osse.tta@dc.gov](mailto:osse.tta@dc.gov).

OSSE is committed to a monitoring system that identifies noncompliance using methods that support the ultimate goal of improving educational results and functional outcomes for all students with disabilities. While monitoring activities must, by federal law, examine compliance issues, OSSE has very deliberately structured its monitoring approach in such a way that the broader themes of IDEA – inclusivity, quality of education, and teamwork – are emphasized.

## 2. STATE EDUCATION AGENCY AUTHORITY

OSSE has statutory authority under both federal and local law to establish, operate, and maintain an administrative process to ensure compliance with all federal statutes for the programs under its jurisdiction, including education of District children and youth with disabilities.

The IDEA section 616 requires each SEA to implement a General Supervision System that monitors the implementation of the IDEA Part B and its accompanying regulations. As the SEA for the District of Columbia, OSSE is responsible for the implementation of the General Supervision System for the District, which includes but is not limited to State complaint processes and Due Process adjudication in addition to LEA monitoring.

Under local special education law, OSSE *“has primary responsibility for the state-level supervisory functions for special education that are typically handled by a state department of education or public instruction, a state board of education, a state education commission, or a state education authority.”* (DC ST 38-2561.01 (7)(a)(13))

The District of Columbia Municipal Regulations, Title 5, Board of Education, Subtitle E (Former Title 5) Chapters 22, 30 & 38, Subtitle A (District of Columbia Public Schools) Chapter 25 contain the local counterparts to the requirements of IDEA, beginning with the Free Appropriate Public Education (FAPE) requirement:

### ***5-E3000. Special Education Policy.***

***3000.1*** *All local education agencies (LEA) in the District of Columbia shall ensure, pursuant to the Individuals with Disabilities Education Act (IDEA), that all children with disabilities, ages three to twenty-two, who are residents or wards of the District of Columbia, have available to them a free appropriate public education (FAPE) and that the rights of these children and their parents are protected.*

### 3. STATE PERFORMANCE PLAN/ANNUAL PERFORMANCE REPORT

The IDEA Part B regulations at 34 CFR §300.600(c) require the SEA, as a part of its responsibilities, to use quantifiable indicators and such qualitative indicators as are needed to adequately measure performance in priority areas and the indicators established by the Secretary of Education for State Performance Plans (SPP). The Secretary has identified 20 indicators to measure SEA/LEA performance against IDEA regulations. In 2005, each SEA was required to submit an SPP with annual and six-year targets for each of the 20 indicators. Targets for indicators related to disproportionality, evaluation timelines, early childhood transition, secondary transition, correction of noncompliance, State complaint timelines, due process timelines and data were required to be set at 100%. Each year, SEAs must submit an Annual Performance Report (APR) to review and report on progress toward and/or compliance with the 20 indicators.

The Secretary's Part B Indicators are as follows:

- **Indicator 1 (Graduation):** *Percent of youth with IEPs graduating from high school with a regular diploma.*
- **Indicator 2 (Dropout):** *Percent of youth with IEPs dropping out of high school.*
- **Indicator 3 (Assessment):** *Participation and performance of children with IEPs on statewide assessments: A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup; B. Participation rate for children with IEPs; C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement assessment standards.*
- **Indicator 4 (Suspension and Expulsion):** *A. Percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.*
- **Indicator 5 (LRE Settings):** *Percent of children with IEPs aged 6 through 21 served A. Inside the regular class 80% or more of the day; B. Inside the regular class less than 40% of the day; and C. In separate schools, residential facilities, or homebound/hospital placements.*
- **Indicator 6 (Preschool LRE):** *Percent of children aged 3 through 5 with IEPs attending a: A. Regular early childhood program and receiving the majority of special education and related services in the regular early childhood program; and B. Separate special education class, separate school or residential facility.*
- **Indicator 7 (Preschool Outcomes):** *Percent of preschool children aged 3 thorough 5 with IEPs who demonstrate improved: A. Positive social-emotional skills (including social relationships); B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and C. Use of appropriate behaviors to meet their needs.*
- **Indicator 8 (Parent Involvement):** *Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.*

- **Indicator 9 (Disproportionate Representation in Special Education):** Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.
- **Indicator 10 (Disproportionate Representation by Disability Category):** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.
- **Indicator 11 (Evaluation):** Percent of children who were evaluated within 60 days (or state-established timeline) of receiving parental consent for initial evaluation.
- **Indicator 12 (Early Childhood Transition):** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.
- **Indicator 13 (Secondary Transition):** Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual postsecondary goals and transition services that will reasonably enable the student to meet the postsecondary goals, and annual IEP goals related to the student's transition services needs.
- **Indicator 14 (Post-school Outcomes):** Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. enrolled in higher education within one year of leaving high school; B. enrolled in higher education or competitively employed within one year of leaving high school; and C. enrolled in higher education or some other postsecondary education or training or competitively employed or in some other employment within one year of leaving high school.
- **Indicator 15 (Correction of Noncompliance):** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.
- **Indicator 16 (State Complaint Timelines):** Percent of signed written complaints with reports issued that were resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
- **Indicator 17 (Due Process Timelines):** Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.
- **Indicator 18 (Resolution Sessions):** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.
- **Indicator 19 (Mediation):** Percent of mediations held that resulted in mediation agreements.
- **Indicator 20 (Valid and Reliable Data):** State reported data (Section 618 and State Performance Plan and Annual Performance Report) are timely and accurate.

All instances of SEA data collection regarding the above indicators, however conducted (through database reviews, written data requests, on-site monitoring, etc.), constitute "General Supervision" and thus are a part of OSSE's Monitoring and Compliance system. Any noncompliance identified pertaining to the indicators or related regulatory requirements must be corrected as soon as possible but in no case later than one year after the identification of the noncompliance.

#### 4. ANNUAL DETERMINATIONS

The IDEA Part B regulations at 34 CFR §§300.600(c) and 300.603 require the SEA to make “determinations” annually about the performance of each LEA based on information provided in the SPP/APR, information obtained through monitoring visits, and any other public information made available.

Noncompliance identified through information collected for SPP/APR reporting, for other U.S. Department of Education reporting, during on-site monitoring visits, during record reviews, during database reviews, for audits, through dispute resolution processes, and from other information available to OSSE will be considered in making LEA determinations. OSSE’s determination is based on the totality of the LEA’s data and information, including the LEA’s:

1. History, nature and length of time of any reported noncompliance; specifically, the LEA’s performance on SPP/APR compliance indicators
2. Information regarding timely, valid and reliable data
3. On-site compliance monitoring, focused monitoring and dispute resolution findings
4. Sub-recipient audit findings
5. Other data available to OSSE regarding the LEA’s compliance with the IDEA, including, but not limited to, relevant financial data
6. Performance on selected SPP results indicators
7. Evidence of correction of findings of noncompliance, including progress toward full compliance

In making such determinations, OSSE will assign LEAs one of the following determination levels:

- Meets Requirements
- Needs Assistance
- Needs Intervention
- Needs Substantial Intervention

The criteria for each determination level are set by OSSE according to U.S. Department of Education, Office of Special Education Programs (OSEP) guidelines. IDEA specifies different levels of action/intervention depending on determination level. LEAs will be informed of their annual determination and any required actions/interventions in late summer/early fall.

For more information regarding determinations, refer to Appendix A.



## 5. OSEP CORRECTIVE ACTION PLAN

On July 1, 2011, OSEP issued a letter to OSSE informing them that the U.S. Department of Education has designated OSSE as a “high risk” grantee and has imposed Special Conditions on OSSE’s FFY 2011 grant awards under IDEA. OSEP imposed Special Conditions based on the District of Columbia’s noncompliance with:

- Timely performance of initial evaluations and reevaluations;
- Timely implementation of hearing officer decisions;
- Timely correction of noncompliance;
- Secondary transition requirements; and
- Early childhood transition requirements.

Based on this noncompliance, OSSE received a “needs intervention” determination for the fifth consecutive year and was required to submit a corrective action plan (CAP) to the Department in August 2011 to address the above mentioned areas. Pursuant to the CAP, OSSE must provide three progress reports (in addition to the APR) to OSEP. Reports must include data from all LEAs, including charter school LEAs, and provide the required content related to each area of identified noncompliance. Each report must be submitted to the Department in accordance with the following reporting periods and timelines:

Report	Reporting Period	Report Due Date
First Report	April 1, 2011 – September 30, 2011	November 1, 2011
Second Report	October 1, 2011 – December 31, 2011	February 1, 2012
Third Report	January 1, 2012 – March 31, 2012	May 1, 2012

For each reporting period, OSSE will collect and analyze data related to the above listed areas of noncompliance. For each LEA with noncompliance identified through this data collection, findings of noncompliance will be issued and correction of noncompliance must be verified as soon as possible but in no case later than one year after the identification of the noncompliance.

For more information on OSSE’s Special Conditions, refer to Appendix B.

## 6. CORRECTION OF NONCOMPLIANCE

In exercising its monitoring responsibilities under 34 CFR §300.600(d), OSSE must ensure that when it identifies noncompliance with requirements of Part B by LEAs, the noncompliance is corrected as soon as possible, and in no case later than one year after OSSE's identification of the noncompliance (34 CFR §300.600(e)). When determining correction of noncompliance, OSSE must verify that the LEA: (1) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA, consistent with OSEP Memorandum 09-02, dated October 17, 2008 (OSEP Memo 09-02); **and** (2) is correctly implementing the specific regulatory requirement (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through the data system or an additional review of student files.

Thus, when an LEA receives written notification of a finding of noncompliance, the LEA must *first* correct the individual student level noncompliance. For example, if OSSE reviews the secondary transition plan for Student A and finds noncompliance through that review, the LEA must correct Student A's secondary transition plan by reconvening an IEP meeting (or properly executing an IEP amendment) and writing a compliant secondary transition plan for the student. OSSE will review Student A's revised secondary transition plan to ensure that it is now compliant. *Next*, the LEA must demonstrate that it is now correctly implementing the specific regulatory requirement. This is achieved by OSSE's subsequent review of additional data either through another SEDS review or a subsequent file review. For example, after the LEA has corrected Student A's secondary transition plan, OSSE will review secondary transition plans for other students within the LEA to ensure that the LEA is correctly implementing secondary transition requirements for all students. Both steps must be completed in order for OSSE to determine that the noncompliance has been corrected.

While OSSE will typically include "additional corrective actions" or "improvement activities" to be completed after a finding of noncompliance, the noncompliance is not deemed to be corrected until the LEA has achieved 100% compliance in a subsequent review. "Additional corrective actions" and "improvement activities" are designed to assist the LEA in developing appropriate practices or accessing necessary technical assistance in the area of the noncompliance, not to determine correction of noncompliance. For initial evaluation timelines, reevaluation timelines, secondary transition requirements, Part C to Part B transition timelines, resolution meeting timelines and IEP timeliness, correction is determined by an LEA achieving 100% compliance on the following quarterly review. For noncompliance identified through on-site monitoring, correction is determined by an LEA achieving 100% compliance on a subsequent file review conducted by OSSE.

For a copy of OSEP Memo 09-02, refer to Appendix C.

## 7. MONITORING PROCESS OVERVIEW

The goal of OSSE's Monitoring and Compliance System is to ensure that LEAs are meeting the requirements of both federal and local regulations. In alignment with federal regulations and OSSE's Vision, OSSE's monitoring approach is outcome oriented. However, if noncompliance is identified through any of OSSE's monitoring activities, **OSSE will require the LEA to correct the noncompliance as soon as possible but in no case later than one year after the identification of the noncompliance.**

Contrary to the notion that monitoring is an annual on-site process, OSSE employs a number of monitoring activities to ensure compliance with federal and local regulations and improve educational results and functional outcomes for students with disabilities. Monitoring activities include: database reviews, on-site compliance monitoring, record reviews, on-site focused monitoring, dispute resolution activities, LEA self-assessments, Phase I and Phase II grant applications, and audit findings reviews.

**Database Reviews:** In accordance with the CAP and with APR reporting requirements, OSSE will review data in the Special Education Data System (SEDS) and in the Blackman/Jones Database to identify noncompliance and assess progress toward federal and local targets for special education. Pursuant to the Blackman/Jones Consent Decree and Title 5, Section 5019 of the District of Columbia Municipal Regulations, all LEAs (including independent charter LEAs) are required to input data into SEDS. Data for CAP reporting will be reviewed according to the schedule displayed on page 9. Data for APR indicators will be reviewed one time per year. LEAs will receive findings of noncompliance for noncompliance identified through database reviews.

**On-site Compliance Monitoring:** Twice per year, OSSE will conduct on-site compliance monitoring for a selection of LEAs. This process will include record reviews, interviews and document reviews to identify noncompliance and assess progress toward federal and local targets for special education. Details regarding on-site compliance monitoring can be found on page 16.

**Nonpublic Monitoring:** OSSE is committed to ensuring that students educated in nonpublic settings are placed in the least restrictive environment; are receiving proper positive behavior supports; and are receiving appropriate services, including specialized instruction and transition services. Pursuant to D.C. Code §38-2561.07, nonpublic schools, applying for a Certificate of Approval (COA), shall receive an evaluation including an on-site inspection of the operations and facilities of the school or program. OSSE shall conduct an on-site inspection at least once during the period of the COA and may schedule other inspections as deemed necessary. The LEA responsible for the student placed in the nonpublic school is responsible for ensuring that the nonpublic school is compliant with federal and local rules and regulations. Therefore, should noncompliance be identified during a nonpublic review, the responsible LEA will receive notice of the findings of noncompliance and be accountable for correcting the noncompliance as soon as possible but in no case later than one year from the identification of noncompliance. Additional information regarding nonpublic monitoring can be found in Appendix D.

**Record Reviews:** Record reviews entail an examination of student level records that document the level of implementation of Individualized Education Programs (IEPs), financial and accounting records, or any other record that may contain information necessary for federal or local reporting.

The majority of record reviews conducted by OSSE will occur through database reviews, on-site compliance monitoring, and required audit activities. OSSE reserves the right to review records if information is not available in databases or at any such time that a review may be necessary. Findings of noncompliance identified through record reviews must be corrected as soon as possible but in no case later than one year after the noncompliance was identified.

**On-site Focused Monitoring:** Focused monitoring purposefully selects priority areas to examine for compliance and results while not specifically examining other areas for compliance in order to maximize resources, emphasize important variables, and increase the probability of improved results. OSSE began on-site focused monitoring during the 2010-2011 school year for selected LEAs. OSSE may choose to conduct an on-site focused monitoring visit in lieu of an on-site compliance monitoring visit if the LEA has demonstrated that it is in compliance with the regulatory requirements described in the Compliance Monitoring Areas. Details regarding on-site focused monitoring can be found on page 22.

**Dispute Resolution Activities:** The State complaint and due process complaint processes are designed to resolve disputes between LEAs and parents (or organization or individual in the case of State complaints). In the fact finding stages of each of these processes, the investigator or hearing officer may identify noncompliance by the LEA. In the case of State complaints, findings of noncompliance are identified in the Letter of Decision. In the case of due process complaints, findings of noncompliance are identified in the Hearing Officer Determination (HOD). Although OSSE may not issue an additional written finding of noncompliance, the Letter of Decision or HOD serves as the written notice of the finding of noncompliance. Findings identified through dispute resolution activities must be corrected in the timeline outlined in the Letter of Decision or HOD but in no case later than one year after the identification of the noncompliance. Additionally, findings made through these processes and the correction of these findings are tracked by OSSE and reported in OSSE's annual APR.

**LEA Self-Assessments:** The LEA self-assessment is a process by which LEAs assess their own performance and progress toward compliance with IDEA Part B. The self-assessment is designed to guide LEAs through a collaborative analysis and planning process to engage stakeholders in developing targeted improvement activities in the areas that the LEA is most in need. The self-assessment tool may be based on the compliance monitoring tool (see Appendix E) used by OSSE for on-site monitoring visits, thus LEAs can prepare for future on-site monitoring as well as clearly identify areas of noncompliance in student files and LEA policies and procedures. In lieu of the full self-assessment tool, OSSE may require an LEA to conduct a root cause analysis on a particular area of noncompliance. Through the self-assessment process, LEAs will develop a self-improvement plan that must be submitted to OSSE two months after receiving the self-assessment documents each year. LEAs identified for an on-site monitoring visit will not be required to complete a self-assessment in the year of the OSSE visit.

**Phase I and Phase II Grant Applications:** Grant applications submitted by LEAs include important assurances by the LEA that the LEA is in compliance with IDEA Part B regulations. In signing the assurances contained in the Phase I Application, LEAs attest that students within the LEA are receiving a free appropriate public education and that the LEA is properly using IDEA funds. Should an LEA not be able to provide these assurances, or a date by which the LEA will be in

compliance, OSSE may not be able to timely distribute funds to the LEA. Phase I applications are due to OSSE by the deadline contained within grant application information each year. More information regarding grant applications will be forwarded to LEAs at the beginning of each cycle or LEAs can contact [OSSE.DSE-PartBFinance@dc.gov](mailto:OSSE.DSE-PartBFinance@dc.gov).

**Audit Findings Review:** LEAs that spend \$500,000 or more in federal funds are required to receive an A-133 single audit and submit a copy of the management letter to OSSE within 30 days of receipt. Additionally, the District of Columbia Public Charter School Board (PCSB) requires all public charter schools in the district to receive an annual audit regardless of level of expenditures. Any noncompliance identified through audits must be corrected in accordance with the audit report. Audit findings will be considered in making annual LEA determinations.

**Part B Compliance Monitoring Areas**

Pursuant to federal regulations, OSSE may monitor LEAs in each of the following areas to ensure compliance with the IDEA. Although each monitoring area listed below may not be reviewed with each monitoring activity, LEAs must comply with each federal requirement and should continually assess their own progress toward compliance with each requirement.

**Part I – FAPE in the LRE**

- A. The LEA educates students in the least restrictive environment. (34 CFR §§300.114-300.117)
- B. The LEA ensures that IEPs are appropriately developed and implemented. (34 CFR §§300.320-300.504, §300.101)
- C. The LEA completes evaluations within the State-established timeline. (34 CFR §§300.300-300.311)
- D. The LEA ensures that students referred by Part C have an IEP implemented by their 3<sup>rd</sup> birthday. (34 CFR §300.101, §300.323)
- E. The LEA uses appropriate steps to successfully transition students from high school to postsecondary settings. (34 CFR §300.320)
- F. The LEA utilizes appropriate discipline processes and procedures. (34 CFR §§300.530-300.536)
- G. The LEA does not have a disproportionate representation of students in special education or specific disability categories. (34 CFR §300.646)
- H. The LEA provides instructional materials to blind persons or other persons with print disabilities in a timely manner. (34 CFR §300.172, §300.210)

**Part II – Dispute Resolution**

- A. The LEA timely implements due process complaint requirements. (34 CFR §§300.507-300.518; Blackman Jones Decree)
- B. The LEA timely responds to State complaint requests and decisions. (34 CFR §§300.151-300.152; OSSE State Complaint Policy)
- C. The LEA voluntarily engages in mediation when requested by parents/guardians. (34 CFR §300.506)

**Part III – Data**

- A. The LEA submits timely, valid and reliable data. (34 CFR §300.211)
- B. The LEA uses data to inform decision making. (34 CFR §300.211)

**Part IV – Fiscal**

- A. The LEA expends IDEA Part B funds in accordance with Federal laws, state laws and approved budget and spending plans. (34 CFR §300.202)
- B. The LEA uses IDEA Part B funds only to pay the excess costs of providing special education and related services to children with disabilities. (34 CFR §300.202)
- C. The LEA meets its maintenance of effort requirement. (34 CFR §300.203)
- D. The LEA properly calculates and expends CEIS funds. (34 CFR §300.646)
- E. The LEA does not co-mingle IDEA Part B funds with other funds. (34 CFR §300.162, §300.201)

- F. DCPS Only: The LEA expends its required proportionate share of Part B funds for students with disabilities parentally-placed in private schools. (34 CFR §300.134, §300.201)
- G. DCPS Only: The LEA provides funds to charter schools on the same basis as it provides funds to the other public schools in its jurisdiction. (34 CFR §300.209)

### **LEA On-site Compliance Monitoring**

LEA on-site compliance monitoring is a process by which selected LEAs receive an on-site visit by OSSE's Quality Assurance and Monitoring Division for a comprehensive document and record review, stakeholder interviews, fiscal examination and follow-up technical assistance. The process is designed to identify noncompliance and assess LEA progress toward improving educational results and functional outcomes for all students with disabilities. On-site compliance monitoring also allows OSSE to determine if SEA-implemented strategies have resulted in qualitative and quantitative improvements, and to formulate specific, tailored actions if improved outcomes have not been achieved.

On-site monitoring will follow a series of defined steps, according to the following timelines:

<b>Activity</b>	<b>Timeline</b>
Identification of LEAs for SY 2011-2012 on-site monitoring	August 2011
Letter informing LEAs of selection for on-site monitoring	August 2011
Pre-site visits for Fall 2011 visits	September 2011
Fall on-site visits	September – December 2011
Monitoring reports issued to LEAs	December 2011 – March 2012
Development of any additional corrective actions	January 2012 - April 2012
Verification of correction of noncompliance	Ongoing
Pre-site visits for Spring 2012 visits	January - February 2012
Spring on-site visits	February - May 2012
Monitoring reports issued to LEAs	May - August 2012
Development of any additional corrective actions	May - September 2012
Verification of correction of noncompliance	Ongoing

### **Step 1: Identification of LEAs for On-site Compliance Monitoring**

LEAs will be selected for an on-site compliance monitoring visit based on the consideration and evaluation of the following factors:

- Information provided in the LEA's previous self-assessment;
- Information provided in the LEA's most recent Phase I and Phase II Grant Application;
- Level of compliance on the prior year's APR compliance indicators;
- Level of compliance on data reported in OSSE's CAP reports;
- Number of HODs/SAs not timely implemented;
- Number of State complaints filed against the LEA in the past year;
- Number of students in the LEA placed in a more restrictive setting during the past school year;
- Timely submission of data (programmatic and fiscal) to OSSE;
- Number of requests for reimbursement not approved by OSSE;
- Number of students served by the LEA;
- Date of last on-site monitoring visit; and
- Other information available to OSSE.



## **Step 2: Notification of On-site Compliance Monitoring Selection**

LEA directors will be notified by letter and electronic mail of the scheduled monitoring visit according to the timeline outlined in the table on page 16. The letter will include the:

- Date of the monitoring visit;
- Suggested date for the pre-site visit;
- Purpose of the visit and planned activities; and
- Documents and information required for the pre-site and on-site monitoring visits.

LEAs are expected to plan as soon as possible for the on-site monitoring visit. For example, as soon as possible after notification of the visit, LEAs should plan for the accommodations and time needed for staff, family and student interviews and for OSSE record reviews. Likewise, LEAs should begin collecting documents needed for the fiscal monitoring portion of the visit.

OSSE plans to conduct an on-site compliance monitoring visit to every LEA in the District within a 3-year cycle.<sup>1</sup> Therefore, selection for an on-site visit should not be construed as a punitive action or as an indication that the LEA is not meeting compliance or performance targets.

## **Step 3: Pre-site Visit**

The pre-site visit is an opportunity for LEA and OSSE staffs to discuss the purpose of the on-site visit, confer about the agenda for the on-site visit, agree on logistics and review LEA data. It is also an occasion for the LEA to ask any questions regarding the visit and for the LEA to provide OSSE with documents needed prior to the visit.

At a minimum, documents that should be available for the pre-site visit include:

- A staff roster, including teacher e-mail addresses;
- A list of students with disabilities served by the LEA (if the LEA serves 75 or fewer students with disabilities);
- Student attendance records; and
- LEA written policies and procedures which address items in the fiscal section of the compliance monitoring tool.

The standard pre-site visit agenda is located at Appendix F.

## **Step 4: Pre-site Data Collection**

Following the pre-site visit, OSSE will forward a brief survey to all general education and special education teachers within the LEA. The survey will be open for approximately one week. The purpose of the survey is to provide guidance for focus group interviews and help narrow the scope of interview questions for LEA administrators. OSSE requests that LEAs provide fervent support to ensure that all teachers respond in a timely manner to the survey.

## **Step 5: On-site Compliance Monitoring Visit and Activities**

Following its notification letter to each selected LEA and the subsequent pre-site visits, OSSE will conduct an on-site visit to each LEA. The on-site review is designed to determine if the LEA's

---

<sup>1</sup> The cycle timeline is subject to change based on OSSE monitoring priorities and/or federal requirements.

special education program and services are compliant with local and federal regulations. If an LEA has more than one campus or school, OSSE may conduct its on-site visit at multiple locations. Regardless of the number of locations OSSE chooses to visit, only one monitoring report will be issued to the LEA.

During the on-site visit, OSSE will engage in the following activities:

- **Record Reviews:** OSSE will examine student files on-site as well as student information included in SEDS and the Blackman/Jones database. Items that will be assessed during the record reviews are outlined in the compliance monitoring tool and align with the monitoring standards. LEAs are responsible for having student files available on the first day of the on-site visit. For LEAs serving 30 or fewer students with disabilities, **all** student files will be reviewed. For LEAs serving 31 – 70 students with disabilities, 30 student files will be reviewed. For LEAs serving 71 – 100 students with disabilities, 60 student files will be reviewed. For LEAs serving 100+ students with disabilities, 90 student files per school site visited will be reviewed. All files will be reviewed for general compliance areas (IEP, LRE and data). OSSE reserves the right to review additional student files if the LEA has not demonstrated 100% compliance on APR Indicators 9, 10, 11, 12 and 13, if a complaint has been filed against the LEA in the year prior to the visit or by LEA request. A copy of the OSSE LEA Part B Compliance Monitoring Tool can be found in Appendix E.
- **Staff Interviews:** OSSE will interview the LEA's administrators, special education coordinator, special education teachers, general education teachers, related service providers and budget director. Interview questions align with the monitoring standards and will be used to triangulate data gathered from other monitoring activities. A summary of data collected through staff interviews will be included in the monitoring report.
- **Student and Family Interviews:** OSSE may choose to interview students with IEPs, and/or their families, to better understand compliance and performance in the LEA. In most cases, OSSE will ask the LEA to choose the students and/or family members for the interviews. In some cases, students and/or families may be selected by OSSE according to specific information (e.g. students involved in dispute resolution processes or students with expired IEPs). The LEA will be informed in advance of the names of any students and/or families selected by OSSE for an interview. In either case, the LEA is responsible for coordinating the interviews with students and/or their families. If OSSE selects students who are involved in the Child and Family Services Administration system, incarcerated, in the custody of the Department of Youth Rehabilitation Services and/or receive services through the Department of Mental Health or other District agencies, OSSE will take steps to coordinate its interviews with those agencies. Interview questions align with the monitoring standards and will be used to triangulate data gathered from other monitoring activities. A summary of data collected through student and/or family interviews will be included in the monitoring report.
- **Classroom Observations:** OSSE will observe classrooms or lessons in which students with IEPs are being educated. The purpose of the observations is to gain a better understanding of how special education instruction is delivered within the LEA. Data collected through classroom/lesson observation will be used to triangulate data gathered

from other monitoring activities. Findings of noncompliance will not be made based solely on observations. A summary of data collected through observations may be included in the monitoring report. For a copy of the Classroom Observation Tool, refer to Appendix G.

- **Fiscal Monitoring Activities:** OSSE will conduct fiscal monitoring activities while on-site. Fiscal monitoring includes document and record reviews, interviews and/or a demonstration of financial processes and systems. Items to be assessed can be found in the fiscal section of the compliance monitoring tool. LEAs will be informed in advance of materials that must be provided. LEAs should be prepared to provide calculations regarding maintenance of effort and excess cost.
- **Individual Student-Level Monitoring:** During the on-site compliance monitoring visit, OSSE may choose to conduct individual student-level monitoring. Individual student-level monitoring consists of an in-depth review of one student's IEP; an in-depth review of all progress reports, attendance records and discipline records regarding the student; interviews with all teachers and service providers associated with the student; interviews with the student (if appropriate) and the student's parent or guardian; and an observation of the classrooms and programs to which the student is assigned. Information and findings regarding the individual student-level monitoring will be included in the on-site compliance monitoring report. LEAs will be informed in advance of the pre-site visit if individual student-level monitoring will occur during the on-site visit.

#### **Step 6: Desk Review**

Following the on-site visit, OSSE's Quality Assurance & Monitoring team will conduct a desk review of additional information available regarding the LEA. Information reviewed may include, but is not limited to, data in SEDS, student attendance records, Encounter Tracking Forms submitted to the District of Columbia Public Schools (DCPS) Medicaid Recovery Unit for the purposes of Medicaid recoupment for school-based Health Related Services, Related Services Management Reports, the Interim Data Collection Tool, other monitoring reports issued to the LEA (e.g. secondary transition monitoring reports or evaluation monitoring reports), State complaint Letters of Decision, HODs, and/or the LEA's website.

#### **Step 7: Letter of Findings and Monitoring Report**

Within three months of the on-site visit, OSSE will notify the LEA of any findings of noncompliance identified during the on-site visit. Attached to the Letter of Findings will be a detailed monitoring report that will specifically outline noncompliance found during the visit. The monitoring report will also delineate corrective actions and improvement activities necessary for the LEA to correctly implement the specific regulatory requirement (see Appendix E). Monitoring reports are intended to promote the improvement of educational results and functional outcomes for students with disabilities through the identification of noncompliance. These reports will align with items in the compliance monitoring tool and with monitoring standards. Additionally, monitoring reports will serve as a method for LEAs to certify the correction of student-level citations and the completion of LEA-level improvement activities.

**For all identified noncompliance, LEAs must correct the noncompliance as soon as possible but in no case later than one year after the identification of the noncompliance.** The date of

issuance of the Letter of Findings and accompanying monitoring report serves as the date of the identification of the noncompliance.

Pursuant to OSEP Memo 09-02, OSSE must account for all instances of noncompliance. In determining the steps that the LEA must take to correct the noncompliance and document such correction, OSSE may consider a variety of factors. For any noncompliance concerning a child-specific requirement that is not subject to a specific timeline requirement, OSSE must also ensure that the LEA has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA. In addition, OSSE must ensure that each LEA has completed the required action (e.g. completed the evaluation although late). A copy of OSEP Memo 09-02 can be found in Appendix C.

Noncompliance is corrected when the LEA can demonstrate that it is correctly implementing the specific regulatory requirement for all students with disabilities. The monitoring report will detail the required corrective actions and improvement activities required to assist the LEA in correctly implementing the specific regulatory requirement. OSSE may also require the LEA to conduct a root cause analysis to determine the reasons for the identified noncompliance. The requirement to conduct a root cause analysis may be contained within the monitoring report cover letter or the Additional LEA Corrective Actions section of the report.

LEAs are strongly encouraged to share the Letter of Findings and monitoring report with its stakeholders and the community through the LEA's website or a public notice in a local newspaper. The findings and corrective actions should routinely be shared and discussed with the LEA's School Board or Board of Directors.

### **Step 8: Corrective Action Plans**

Contained within the monitoring report, OSSE will provide a list of required student-level corrective actions and LEA-level improvement activities for noncompliance identified through record reviews and certain interviews. If no additional findings of noncompliance are identified through other data collection processes (e.g., OSSE's desk review), LEAs will not be required to develop a Corrective Action Plan (CAP). In that case, the monitoring report will serve as the CAP for the LEA. In the event of an additional finding of noncompliance identified through other data collection processes, OSSE will require the LEA to develop a CAP specific to the additional area(s) of noncompliance. The CAP will be due to OSSE 30 days after the LEA's receipt of the monitoring report. LEAs may also be required to conduct a root cause analysis to determine the reasons for the identified noncompliance. Should the LEA be required to conduct a root cause analysis, the LEA must submit documentation of this activity to OSSE within 90 days after the LEA's receipt of the monitoring report.

Corrective actions and improvement activities, whether generated through the monitoring report or through an LEA CAP, may be relatively uncomplicated and non-time consuming (e.g. correcting a data error in SEDS) or may be multifaceted and involved (e.g. developing a policy and procedures for ensuring appropriate discipline processes). More simple corrective actions or improvement activities may be accomplished by one staff member or through a routine IEP meeting, while more complex corrective actions or improvement activities may require extensive analysis and collaboration with the LEA leadership and/or Boards of Directors.

OSSE is committed to providing technical assistance to LEAs as they formulate CAPs and/or as they complete corrective actions and improvement activities. Assistance from the T&TA team within OSSE will be available to LEAs as they strive toward correction of noncompliance and improvement of educational results and functional outcomes for students with disabilities.

### **Step 9: Verification of Correction of Noncompliance**

After the LEA has certified correction of noncompliance, OSSE will verify the correction of noncompliance.

- To verify the correction of individual student noncompliance, OSSE will select a sample of the original student files reviewed to verify that the required action has been completed. The number of files sampled will be proportionate to the number of files reviewed. For example, OSSE may review five student files for LEAs serving 70 or fewer students with disabilities and 15 student files for LEAs serving 71+ students with disabilities. Correction of noncompliance will be complete when the LEA can demonstrate that it is correctly implementing the specific regulatory requirement.
- To verify that the LEA is correctly implementing the regulatory requirement, OSSE will select a sample of student files that were not originally reviewed or generate a report from SEDS to verify correction of noncompliance. The number of files sampled will be proportionate to the number of files reviewed. For example, OSSE may review five student files for LEAs serving 70 or fewer students with disabilities and 15 student files for LEAs serving 71+ students with disabilities. Correction of noncompliance will be complete when the LEA can demonstrate that 100% of files reviewed are compliant with the specific regulatory requirement.

Pursuant to OSEP Memo 09-02, OSSE must verify the correction of noncompliance within one year of the identification of the noncompliance; therefore, verification activities will occur before the conclusion of the one-year timeline.

### **Step 10: Closure of Findings of Noncompliance**

After OSSE has verified the correction of the noncompliance, OSSE will inform the LEA in writing that the finding of noncompliance is closed. LEAs should continue to conduct record review activities to identify any areas of need that may arise before future OSSE monitoring activities. Longstanding noncompliance extending beyond the one-year correction period will result in additional enforcement actions by OSSE and will affect the LEA's annual determination. Likewise, the LEA's timely correction of noncompliance will also be favorably considered in the LEA's annual determination.

**LEA On-site Focused Monitoring**

As defined by the National Center for Special Education Accountability Monitoring, “Focused monitoring purposefully selects priority areas to examine for compliance and results while not specifically examining other areas for compliance in order to maximize resources, emphasize important variables, and increase the probability of improved results.”<sup>2</sup> Focused monitoring performed by the OSSE will assess an LEA’s performance in the targeted focused area based upon a variety of sources including:

- Data contained in SEDS;
- The results of the LEA’s self-assessment;
- Annual APR data;
- Student record reviews;
- Observation of selected programs; and
- Interviews of staff, parents and students (if appropriate).

If an LEA is selected for focused monitoring, the focused monitoring will occur at the same time as the on-site compliance monitoring visit. As such, the steps for focused monitoring mirror the steps for on-site monitoring with the addition of classroom observations and stakeholder meetings to discuss root cause analysis, as necessary.

**Step 1: Identification of LEAs for On-site Focused Monitoring**

LEAs will be selected for an on-site focused monitoring visit from the list of LEAs chosen for an on-site compliance monitoring visit, based on the consideration and evaluation of the following factors:

- Information provided in the LEA’s previous self-assessment related to the focused monitoring area;
- Level of compliance and results on the prior year’s APR Indicators related to the focused monitoring area;
- Number of due process complaints filed against the LEA in the past year related to the focused monitoring area;
- Number of State complaints filed against the LEA in the past year related to the focused monitoring area; and
- Number of students served by the LEA.

**Step 2: Notification of On-site Focused Monitoring Selection**

LEA directors will be notified by letter and electronic mail of the scheduled focused monitoring visit prior to the scheduled pre-site visit. The letter will include the:

- Focused monitoring area;
- Purpose of the visit and planned activities; and
- Documents and information required for the pre-site and on-site monitoring visits.

---

<sup>2</sup> See the U.S. Department of Education’s funded PowerPoint presentation on focused monitoring at [http://www.monitoringcenter/suhsc.edu/PDF%20PPT/NERRC\\_CIFMS\\_09212003.pdf](http://www.monitoringcenter/suhsc.edu/PDF%20PPT/NERRC_CIFMS_09212003.pdf)

### Step 3: Pre-site Visit

The focused monitoring pre-site visit will be held in conjunction with the on-site monitoring pre-site visit. The focused monitoring visit is an opportunity for LEA and OSSE staffs to discuss the purpose of the focused monitoring visit, confer about the agenda for the focused monitoring visit, agree on logistics and review LEA data. It is also an occasion for the LEA to ask any questions regarding the focused monitoring visit and for the LEA to provide OSSE with documents needed prior to the visit.

### Step 4: On-site Focused Monitoring Visit and Activities

Following its notification letter to each selected LEA and the subsequent pre-site visits, OSSE will conduct an on-site focused monitoring visit to selected LEAs in conjunction with the on-site compliance monitoring visit. The on-site focused monitoring review is designed to examine compliance and results for the specific focus area. During the on-site visit, OSSE will engage in the following activities:

- **Record Reviews:** OSSE will examine information in student files on-site as well as student information included in SEDS regarding the focus area. Items that will be assessed during the record reviews are in-depth and specific to the focus area. LEAs are responsible for having student files available on the first day of the on-site visit. The number of student files reviewed for focused monitoring will be calculated based on the number of students served within the LEA for which the focus area applies. (For example, if the focus area is Part C to Part B transition, OSSE will review a percentage of files for three- and four-year-olds enrolled in the LEA.)
- **Classroom/Program Observations:** OSSE will observe classrooms or programs that relate to the focus area. The purpose of the observation is to identify any potential noncompliance and/or root causes of the LEA's noncompliance in the focus area.
- **Staff Interviews:** OSSE will interview the LEA's administrators, special education coordinator, special education teachers, general education teachers and related service providers related to the focused area. Interview questions will be used to triangulate data gathered from other monitoring activities.
- **Student and Family Interviews:** OSSE may choose to interview students with IEPs in the related focus area, and/or their families, to better understand compliance and performance in the LEA. Students and/or families will be selected by OSSE according to specific information regarding the focus area (e.g. students with IEPs with noncompliance in the focus area). The LEA will be informed in advance of the names of any students and/or families selected by OSSE for an interview. The LEA is responsible for coordinating the interviews with students and/or their families. If OSSE selects students who are involved in the Child and Family Services Administration system, incarcerated, in the custody of the Department of Youth Rehabilitation Services and/or receive services through the Department of Mental Health or other District agencies, OSSE will take steps to coordinate its interviews with those agencies. Interview questions will be used to triangulate data gathered from other monitoring activities.

- **Intensive Individual Focused Review:** Intensive qualitative review provides an additional tier of examination of special education compliance and quality assurance, allowing OSSE to get behind the data and look directly at the adult practices and lived experiences of a sample of students. OSSE will make a selection of students within the LEAs identified for focused monitoring in each given cycle. Intensive individual review activities will include: interviews of students, their families, and staff; classroom observations; and curriculum materials review.
- **Stakeholder Meeting/Root Cause Analysis Planning:** During the on-site focused monitoring visit, OSSE will meet with stakeholders to discuss data regarding the focus area and to identify potential root causes of noncompliance within the focus area. The LEA is responsible for planning the logistics of the meeting and inviting the proper stakeholders.
- **Staff and Parent Surveys:** OSSE may survey LEA staff members and parents regarding compliance and performance with the focus area. The survey may be written or electronic and will be standardized for all survey participants. Survey results will be used to triangulate data gathered from other monitoring activities.

#### **Step 5: Letter of Findings and Monitoring Report**

Within three months of the on-site visit, OSSE will notify the LEA of any findings of noncompliance identified during the focused monitoring visit. The on-site monitoring report will delineate student and LEA-level corrective actions and improvement activities necessary for the LEA to correctly implement the specific regulatory requirement. **For all identified noncompliance, LEAs must correct the noncompliance as soon as possible but in no case later than one year after the identification of the noncompliance.** The date of the monitoring report serves as the date of the identification of the noncompliance.

#### **Step 6: Corrective Action Plans**

Contained within the monitoring report, OSSE may provide a list of required student-level and LEA-level improvement activities for noncompliance identified through the focused monitoring visit. If OSSE does not indicate any additional corrective actions, the monitoring report will serve as the corrective action plan (CAP) for the LEA. OSSE may also require the LEA to develop a CAP specific to the focus area. The CAP will be due to OSSE 30 days after the LEA's receipt of the monitoring report. The CAP must address the process the LEA will take to correct identified noncompliance as well as the LEA's plan to improve results in the focus area.

OSSE is committed to providing technical assistance to LEAs as they formulate CAPs and/or as they complete corrective actions and improvement activities. Assistance from the T&TA team within OSSE will be available to LEAs as they strive toward correction of noncompliance and improvement of educational results and functional outcomes for students with disabilities.

#### **Step 7: Verification of Correction of Noncompliance**

After the LEA has certified correction of student-level and LEA-level noncompliance, OSSE will verify the correction of noncompliance.

- To verify the correction of student-level citations, OSSE will select a sample of the original student files reviewed to verify that the required action has been completed.



- To verify that the LEA is correctly implementing the regulatory requirement, OSSE will select a sample of student files that were not originally reviewed or generate a report from SEDS to verify correction of noncompliance. Correction of noncompliance will be complete when the LEA can demonstrate that 100% of files reviewed are compliant with the specific regulatory requirement.

Pursuant to OSEP Memo 09-02, OSSE must verify the correction of noncompliance within one year of the identification of the noncompliance; therefore, verification activities will occur before the conclusion of the one-year timeline.

#### **Step 8: Closure of Findings of Noncompliance**

After OSSE has verified the correction of the noncompliance, OSSE will inform the LEA in writing that the finding of noncompliance is closed. LEAs should continue to conduct record review activities to identify any areas of need that may arise before future OSSE monitoring activities. Longstanding noncompliance extending beyond the one-year correction period will result in additional enforcement actions by OSSE and will effect the LEA's annual determination. Likewise, the LEA's timely correction of noncompliance will also be considered in the LEA's annual determination.

OSSE will provide LEAs selected for on-site focused monitoring with additional information prior to the pre-site visit. OSSE may choose to conduct an on-site focused monitoring visit in lieu of an on-site compliance monitoring visit if the LEA has demonstrated that it is in compliance with the regulatory requirements described in the Compliance Monitoring Areas.

**Corrective Action Plan Activities**

On January 11, 2010, LEAs received an OSSE Memorandum from Assistant Superintendent Tamera Lewis informing them of the executed MOA with OSEP. A component of the MOA requires OSSE to complete a random sampling of 100 IEPs of youth aged 16 and above for IEP secondary transition content review. For each reporting period, OSSE will select IEPs for review from among all LEAs that serve students in the applicable age range. The IEPs will be selected equitably among LEAs based on the percentage of students with disabilities in this age range served by each LEA, relative to the total number of students with disabilities in this age range in the District.

During each reporting period, OSSE will review 100 IEPs for required secondary transition content and report the results of those reviews in the progress report for the relevant reporting period. Following the review of the 100 IEPs for each period, OSSE will issue monitoring reports with detailed student-level corrective actions to each LEA. LEAs must correct the findings as soon as possible but in no case later than one year after the identification of the noncompliance. Monitoring reports will mandate the OSSE imposed timeline for correction of noncompliance for each reporting period.

Likewise, during each reporting period, OSSE will review data from SEDS regarding timely initial evaluations and reevaluations. Following the SEDS reviews, OSSE will issue monitoring reports with detailed student-level corrective actions to each LEA. LEAs must ensure that the individual students named in each report receive the evaluation, although late, and report this action to OSSE. OSSE will correct the student-level and LEA-level findings of noncompliance when the LEA has demonstrated that it is correctly implementing regulatory requirements regarding timely initial evaluations and timely reevaluations by achieving 100% compliance for the following quarterly report. LEAs must correct the findings as soon as possible but in no case later than one year after the identification of the noncompliance. Monitoring reports will mandate the OSSE imposed timeline for correction of noncompliance for each reporting period.

The MOA also outlines OSSE's activities regarding timely implementation of HODs and LEA compliance with LRE requirements, specifically LEA's provision of continuum of placements and services. For each of these areas, OSSE will also issue a Letter of Findings when noncompliance has been identified and require that the noncompliance be corrected as soon as possible but in no case later than one year after the identification of the noncompliance.

### **Additional Findings of Noncompliance**

As the SEA, OSSE is required to identify findings of noncompliance, notify LEAs of findings of noncompliance and ensure the correction of the noncompliance as soon as possible but in no case later than one year after the identification of the noncompliance. At times, OSSE may become aware of noncompliance outside of the monitoring activities described in this section. Although the findings may not be associated with any of the scheduled activities, OSSE remains responsible for identifying and ensuring correction of the noncompliance.

Should OSSE become aware of an LEA's noncompliance with any regulatory requirement in 34 CFR Part 300, OSSE will notify the LEA in writing of the noncompliance and will indicate the required corrective action necessary to correct the finding of noncompliance. Correction of noncompliance will be complete when the LEA can demonstrate that it is correctly implementing the specific regulatory requirement.

Beginning in September 2011, noncompliance identified during OSSE Placement Unit meetings will be referred to the OSSE Quality Assurance & Monitoring Unit. Monitoring reports generated based on these meetings will resemble the OSSE on-site monitoring and secondary transition monitoring reports. The Placement Unit Monitoring Tool can be found at Appendix G.

## **8. APPENDICES**

- Appendix A - Determinations Information and Frequently Asked Questions
- Appendix B - OSSE FFY 2011 IDEA Part B Grant Award Special Conditions
- Appendix C - OSEP Memo 09-02
- Appendix D - Nonpublic Monitoring Supplement
- Appendix E - Compliance Monitoring Tool
- Appendix F - Monitoring Agendas (Pre-site Monitoring Agenda and On-site Monitoring Agenda)
- Appendix G - Classroom Observation Tool
- Appendix H - Placement Unit Monitoring Tool